

Entered - 2-2-01 - sb
CL - 01L0086 ALEXIS HOLMES

01- *L*-1250

CLAIM OF: **ROGER L. SHEPARD**
55 Waddell Street, NE
Atlanta, Georgia 30307-2466

For damages alleged to have been sustained as a result of property
damage to his lattice brick wall on January 24, 2001 at 55 Waddell
Street, NE.

THIS ADVERSE REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0086

Date: 5/15/01

Claimant /Victim ROGER L. SHEPARD
(Atty) (Ins. Co.) _____
Address: 55 Waddell Street NE Atlanta, Georgia 30307-2466
Subrogation: _____ Claim for Property damage \$ 950.00 Bodily Injury \$ _____
Date of Notice: 3/9/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/24/01 Place: 55 Waddell Street NE
Department Police Division Field Operations Division
Employee involved Officer Miller Disciplinary Action: None Taken

NATURE OF CLAIM: The claimant sustained damages to his property when a City of Atlanta Police Officer who was in pursuit of a suspected criminal jumped his lattice brick wall, and knocked down a portion of the wall. The City is immune from liability as set forth in O.C.G.A. §36-33-3.

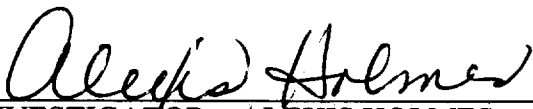
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 05/16/01
Committee Action: _____ Council Action _____

Roger L Shepard
55 Waddell St., NE
Atlanta, GA 30307
Tel: (404) 688-2215
Fax: (404) 688-2216

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02/01/01
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Via fax to: 404-817-6887

January 24, 2001

Attn: Chief Beverly Harvard
City of Atlanta-Police Department
675 Ponce DeLeon Ave. NE
Atlanta, GA 30308

Dear Chief Harvard

On Wednesday, January 24, 2001, at approximately 1:45am, significant police activity occurred near my home at 55 Waddell Street in Inman Park, Atlanta. I observed a uniformed officer climb over the brick fence on my property to gain access to the back yard of the property next door, apparently during the efforts to apprehend a suspect. Failing to realize that a lattice work fence, even a brick one, is by design structurally less sound than a solid one, the officer did extensive damage, causing several rows of brick to break free and fall into the back yard at 61 Waddell, which is next door.

When I saw the officer attempting to climb the fence, I called to him three (3) times in an effort to get him to allow me to open the gate since I have a key and could have allowed him access. He ignored my calls and continued to climb. After he damaged my fence, I attempted to get his name for the record so he could verify what occurred. He refused to stop and although I wanted to follow him to obtain needed information, as a black man I thought that it was ill advised for me to do so. Considering the circumstances, I regarded this option as the better course of action.

The officer left via Edgewood Avenue in a patrol car with tag number 134862. After observing his departure, I informed several officers, including a plain clothes officer of what transpired and had SPO Moody (1825) file case report # 010240168.

I simply want the appropriate agency to ensure that my fence gets repaired immediately and I want to know what is required for me to get it repaired.

Thank you for your assistance and if you need more information please contact me at 404-688-2215.

Sincerely,

Roger L. Shepard
Roger L. Shepard

cc: Ms. Susan P. Langford - City Attorney - via fax to 404-658-6894
Lieutenant Frank Zunno - Morning Watch - Zone 6 - via fax to 404-378-6554
Major Carlos Banda - via fax to 404-378-6554
Mr. Lou McBryan - via email

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